

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1

January 15, 2021

SUMMARY OF BILL: Revises the meaning of intellectual disability. Authorizes a defendant who has been sentenced to the death penalty prior to the effective date of the legislation and whose conviction is final on direct review to petition the trial court for a determination of whether the defendant is intellectually disabled. Authorizes either party to appeal the trial court's decision in accordance with Rule Three of the Tennessee Rules of Appellate Procedure.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- The proposed legislation states that "intellectual disability" means a disability:
 - Characterized by significant limitations in both intellectual function and adaptive behavior, including many everyday social and practical skills; and
 - That originated prior to the person's 18th birthday.
- Pursuant to Tenn. Code Ann. § 39-13-203(b), no defendant with intellectual disability at the time of committing first degree murder shall be sentenced to death.
- In the event a court determines that a defendant sentenced to death prior to effective date of this legislation is intellectually disabled, the cost associated with executing the defendant could be avoided; however, costs associated with imprisoning the defendant for life would be incurred. The net effect of such future events cannot be determined with reasonable certainty; however, any net impact resulting from prohibiting the death penalty in the outlined circumstances is estimated to be not significant.
- Any impact to the operations of the courts, public defenders, and district attorneys will be absorbed utilizing existing resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive style with a large, stylized 'B' and 'S'.

Bojan Savic, Interim Executive Director

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